

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 211

# **SENATE BILL 1431**

AN ACT

AMENDING SECTION 32-3021, ARIZONA REVISED STATUTES; RELATING TO PRIVATE  
POSTSECONDARY EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3021, Arizona Revised Statutes, is amended to  
3 read:

4 32-3021. Private vocational program license; qualifications;  
5 provision of information; exemptions

6 A. A person shall not operate a private vocational program unless the  
7 person holds a private vocational program license issued pursuant to this  
8 chapter. Each program offered by a private vocational program licensee shall  
9 be authorized on a private vocational program license. The board shall  
10 prescribe the manner in which the programs shall be identified on the  
11 license.

12 B. An applicant for a private vocational program license shall meet  
13 all of the following requirements:

14 1. Furnish a letter of credit, surety bond or cash deposit as provided  
15 in section 32-3023.

16 2. Make specific information concerning educational programs,  
17 including statements of purpose, objectives, course of study, policies, fees  
18 and other pertinent information, available to prospective students and the  
19 general public.

20 3. Be financially responsible and have management capability.

21 4. Maintain a qualified faculty.

22 5. Maintain facilities, equipment and materials which are appropriate  
23 for the stated program. All facilities shall meet applicable state and local  
24 health and safety laws.

25 6. Maintain appropriate records as the board prescribes which are  
26 properly safeguarded and preserved.

27 7. Use only advertisements which are consistent with the information  
28 made available as provided in paragraph 2 of this subsection.

29 8. Provide courses of instruction which meet stated objectives.

30 9. Provide a grievance procedure for students.

31 10. Comply with all federal and state laws relating to the operation of  
32 a private postsecondary educational institution.

33 11. Other requirements the board deems necessary.

34 C. An applicant for a private vocational program license shall submit  
35 evidence of meeting the requirements prescribed in subsection B of this  
36 section to the board. The board shall verify the evidence submitted.  
37 Verification shall include on-site verification.

38 D. The filing of an application grants the board the authority to  
39 obtain information from any of the following:

40 1. A licensing board or agency in any state, district, territory or  
41 county of the United States or any foreign country.

42 2. The Arizona criminal justice information system as defined in  
43 section 41-1750.

44 3. The federal bureau of investigation.

1 E. The board, on application, may issue a private vocational program  
2 license to a new educational institution as provided in this section, except  
3 that the board shall establish separate minimum standards for licensure  
4 requirements of new educational institutions. These minimum standards may  
5 include the modification of licensure requirements as provided in subsection  
6 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of  
7 new educational institutions. The board shall monitor the new educational  
8 institution to ensure compliance with the licensure requirements. The board  
9 shall issue a private vocational program license as provided in this  
10 subsection one time only to new educational institutions.

11 F. This section does not apply to any of the following:

12 1. A school licensed pursuant to chapter 3 or 5 of this title.

13 2. An instructional program or course sponsored by a bona fide trade  
14 association solely for its members.

15 3. Privately owned academic schools engaged in the process of general  
16 education which is designed to produce a level of development equivalent to  
17 that necessary to meet the requirements for entrance into a public community  
18 college or public university in this state and which may incidentally offer  
19 technical and vocational courses as part of the curriculum.

20 4. Schools or private instruction conducted by any person engaged in  
21 training, tutoring or teaching individuals or groups, if the instruction is  
22 related to hobbies, avocations, academic improvement or recreation and may  
23 only incidentally lead to gainful employment and if the instruction is for a  
24 period of under forty hours and costs less than one thousand dollars.

25 5. Schools conducted by any person solely for training the person's  
26 own employees.

27 6. An instructional program or course offered solely for employees and  
28 for the purpose of improving the employees in their employment if both of the  
29 following apply:

30 (a) The employee is not charged a fee.

31 (b) The employer provides or funds the program or course pursuant to a  
32 valid written contract between the employer and a program or course provider.

33 7. Training conducted pursuant to 14 code of federal regulations  
34 part 141.

35 8. A SCHOOL THAT SOLELY PROVIDES AN INSTRUCTIONAL PROGRAM FOR  
36 CERTIFIED NURSING ASSISTANTS AND IS LICENSED BY THE NURSING BOARD PURSUANT TO  
37 SECTION 32-1606, SUBSECTION B, PARAGRAPH 11.

38 9. A PROFESSIONAL DRIVING TRAINING SCHOOL LICENSED BY THE DEPARTMENT  
39 OF TRANSPORTATION PURSUANT TO CHAPTER 23, ARTICLES 1, 2 AND 3 OF THIS TITLE.

APPROVED BY THE GOVERNOR MAY 15, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2008.